

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO**

THE UNITED STATES OF AMERICA,)
ex rel. JOSEPH M. THOMAS,)
Plaintiff,)
v.) Case No.: 1:17-cv-00276-CCE-JLW
DUKE UNIVERSITY, DUKE)
UNIVERSITY HEALTH SYSTEM, INC.,)
WILLIAM M. FOSTER, Ph.D., and ERIN)
N. POTTS-KANT)
Defendants.)

**MOTION TO WITHDRAW ANNETTE K. EBRIGHT AS COUNSEL OF
RECORD FOR DEFENDANT WILLIAM M. FOSTER, PHD**

Pursuant to Local Civil Rule 83.1(e) for the Middle District of North Carolina, the undersigned hereby moves the Court for an Order withdrawing Annette K. Ebright as counsel of record for Defendant William M. Foster, Ph.D. (“Foster”) in this case. In support of this Motion, the undersigned shows the Court the following:

1. This matter originated in May 2013 by the filing of a Complaint in the United States District Court for the Western District of Virginia.
2. Thereafter, in November 2016, the undersigned, along with Richard S. Glaser, Jr., and Annette K. Ebright all of the law firm of Parker Poe Adams & Bernstein LLP (“Parker Poe”) located in Charlotte, North Carolina, sought and were granted *pro hac vice* admission in this matter.

3. Subsequently, Defendants Duke University, Duke University Health System, Inc. and Foster moved to transfer this matter to the Middle District of North Carolina (Doc. 68). A hearing was held on March 21, 2017 (Doc. 105), the motion to transfer was granted, and the matter was transferred to this Court on March 28, 2017 (Docs. 108-109).

4. Annette K. Ebright was admitted *pro hac vice* while the matter was still with the Western District of Virginia and Ms. Ebright has continued to serve as counsel for Foster since that time. While Ms. Ebright is admitted to the Middle District of North Carolina, she is not registered to participate in the Court's CM/ECF system.

5. The undersigned and Richard S. Glaser, Jr., are the primary counsel at Parker Poe litigating this case and will continue to represent Foster. However, Ms. Ebright is leaving Parker Poe to pursue an in-house legal position. Ms. Ebright will no longer be affiliated with Parker Poe as of November 23, 2018, and will most likely not have a need to become a registered CM/ECF participant with this Court.

6. Therefore, under the circumstances and due to Ms. Ebright not being a registered CM/ECF participant, she has requested that the undersigned file this Motion to withdraw Ms. Ebright's appearance as counsel of record for Foster in this matter.

7. Granting this Motion will not cause any harm or prejudice to Foster or any other party in this matter, nor will it cause any delay to the Plaintiff or to these proceedings.

8. Counsel for the Plaintiff consents to this Motion.

9. This Motion is made in good faith.

WHEREFORE, the undersigned respectfully moves the Court for an Order withdrawing Annette K. Ebright's appearance as counsel of record for Defendant William M. Foster, Ph.D. in the above-captioned action.

Respectfully submitted, this 6th day of November, 2018.

/s/ Eric H. Cottrell _____

Richard S. Glaser, Jr.
N.C. Bar No: 13998
Eric H. Cottrell
N.C. Bar No: 21994
Annette K. Ebright
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Counsel for Defendant William M. Foster, Ph.D.

CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing **MOTION TO WITHDRAW ANNETTE K. EBRIGHT AS COUNSEL OF RECORD FOR DEFENDANT WILLIAM M. FOSTER, PHD** was electronically filed with the Clerk of Court using the CM/ECF system and served on the attorneys of record via the Court's electronic case filing system.

I further certify that on this date I also served a copy of the foregoing **MOTION TO WITHDRAW ANNETTE K. EBRIGHT AS COUNSEL OF RECORD FOR DEFENDANT WILLIAM M. FOSTER, PHD** via United States First Class Mail, postage prepaid, addressed as follows:

William M. Foster, Ph.D.
809 Clarendon Street
Durham, NC 27705

This the 6th day of November, 2018.

/s/ Eric H. Cottrell
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